

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1718 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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BIJAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MS SHEHNAZ I PATEL for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 19/03/97

ORAL JUDGEMENT

Rule. Ms.Promila Safaya, learned Advocate for the respondent, waives service of rule.

By the present petition under Article 226 of the Constitution of India, the petitioner has sought necessary direction to the respondent-Passport Authority to issue a fresh passport in favour of the petitioner's sister, Manisha Ketankumar Shah, showing her correct date of birth. The said Manisha Ketankumar Shah was issued a passport bearing No.F-695217 showing her date of birth as 25.7.1966. According to the petitioner, the said date of birth came to be wrongly recorded on account of bona fide mistake and on basis of the certificate issued by Ranip Sarvajanic Higher Secondary School on 31.8.1985. However, the correct date of said Manisha is 30.4.1966 as per the record of the Municipal Corporation of Ahmedabad. The correct date of birth was recorded of said Manisha as 30.4.1966, pursuant to the provisions of Registration of Births and Deaths Act, 1969. The date of birth as recorded pursuant to the provisions of the said Act should be

taken as the correct date of birth. Under the circumstances, the date of birth as shown in the School Leaving Certificate of said Manisha cannot be taken as correct date of birth. The certificate of birth issued by the competent authority under the provisions of Registration of Births and Deaths Act, 1969 could be a valid and legal document in regard to the date of birth of said Manisha.

In the above view of the matter, the respondent-the Regional Transport Officer-is directed to act upon the birth certificate produced by the petitioner and process the application for issuance of fresh passport according to law. Rule is accordingly made absolute with no order as to costs.

Direct Service Permitted.